REMARKS / ARGUMENTS

In response to the Office Action mailed May 9, 2006, the Examiner's claim rejections have been considered. Applicants respectfully traverse all rejections regarding all pending claims and earnestly solicit allowance of these claims.

1. Claim Rejections – 35 U.S.C. § 112, fourth paragraph

The Examiner rejected claims 2 and 17 under 35 USC §112, fourth paragraph for failing to limit the subject matter of a previous claim. Claims 2 and 17 have been canceled thereby rendering the rejection moot. Applicant respectfully requests withdrawal of the rejection.

2. Claim Rejections - 35 U.S.C. § 103(a): Claims 1-8, 10-12, 15-23, 25-27, 30 and 31

The Examiner rejected claims 1-8, 10-12, 15-23, 25-27 30 and 31 under 35 U.S.C. § 103(a) as being anticipated by Munoz (U.S. Patent Application Publication No. 2004/024313) in view of Singer et al. (U.S. Patent No. 6,604,740). Applicant respectfully traverses this rejection. For the sake of brevity, the rejections of the independent claims 1, 16, and 31 are discussed in detail on the understanding that the dependent claims are also patentably distinct over the prior art, as they depend directly from their respective independent claims. Nevertheless, the dependent claims include additional features that, in combination with those of the independent claims, provide further, separate, and independent bases for patentability.

Applicant respectfully submits that the claimed invention is not obvious in view of Munoz and Singer because these references, either alone or in combination, fail to teach, suggest or disclose "consolidating the selected reels within the display window." As defined in the specification of the pending application, consolidating the active reels involves moving the remaining reels together into a closer grouping (see, specification at p. 4, line 23). The Examiner, however, uses an unconventional definition of the term "consolidating." In the Examiner's remarks, the Examiner states, "the gaming machine can have only three reels, which have been consolidated from five reels." Applicant assumes that the Examiner is using the term "consolidating" to mean selecting because Munoz does not mention moving any of the reels to eliminate any open spaces (as further discussed below). However, the Applicant's use of the

term consolidating involves eliminating any non-contiguous positioning of the reels produced by the removal of non-selected reels. For example, if reels two and four are not selected, the claimed invention moves reels one and five towards reel three in order to consolidate reels one, three, and five.

In sharp contrast, Munoz does not disclose that the remaining reels are moved together. Rather, Munoz merely discloses embodiments where the unselected reels are spun to certain positions displaying an inactive reel symbol (See Fig. 3), lighting for the inactive reels are lowered or shut off with respect to the inactive reels (See ¶ 29), the inactive reels are covered (See Fig. 5-6), or the reels are "simply eliminated or replaced as illustrated in FIG. 4" (See, ¶ 30). Nowhere does Munoz teach the active reels are consolidated.

Furthermore, Applicant submits that Munoz and Singer fail to teach, suggest, or disclose, "selecting a subset of the currently spinning reels for use in determining a game outcome." The Examiner acknowledges that Munoz does not teach this step and attempts to make up for the deficiency of Munoz with the Singer reference. However, Applicant respectfully submits that Singer does not teach, suggest, or disclose that a reel may be selected for play after the reels are spinning. Rather, Singer merely teaches that the selection of the number of pay lines or a wager per pay line may be selected. Applicant submits that one of ordinary skill in the art would not contemplate that selecting pay lines or wagers per line would teach or suggest that the selection of the number of reels for game play because selecting a reel for play is very different than selecting a number of pay lines or a wager per pay line. When selecting a number of reels for game play, the selection of the number of reels for game play alters the underlying mathematical model (i.e., probabilities for winning outcomes). For example, the probabilities of a winning event in a three-reel game are different from a four-reel game. On the contrary, selecting the number of pay lines or wager per line does not alter the underlying mathematical model of the game. Accordingly, Applicant submits that Singer does not teach, suggest, nor disclose that a subset of currently spinning reels may be selected for game play.

Moreover, the Examiner has not provided any motivation that one of ordinary skill in the art would look to Singer to modify the Munoz reference to teach "selecting a subset of the currently spinning reels for use in determining a game outcome." "The reason, suggestion, or motivation to combine [prior art references] may be found explicitly or implicitly: 1) in the prior

art references themselves; 2) in the knowledge of those of ordinary skill in the art that certain references, or disclosures in those references are of special interest or importance in the field; or 3) from the nature of the problem solved, 'leading inventors to look to references relating to possible solutions to that problem.'" Ruiz v. AB. Chance Co., 234 F.3d 654,6654 (Fed. Cir. 2000) (quoting Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc., 75 F.3d 1568, 1572 (Fed. Cir. 1996)). The Munoz reference is directed to a gaming machine having player selectable reels. In contrast, Singer is directed to a game that allows a player to designate one or more wild symbols. Singer makes no reference to any adjustable reels. While Singer does teach that pay lines and wagers for pay lines may be selected once the reels are spinning, nowhere does Singer teach or suggest that the number of reels may be selected. Given the different nature of these patents, Applicant submits that there is insufficient motivation to combine these references.

Lastly, Applicant submits that "selecting a subset of the currently spinning reels for use in determining a game outcome" is not a matter of design choice. The claimed invention is a slot machine variant that provides a player with enhanced excitement and diversity of game play without departing so far from the original slot gaming concept. Furthermore, Applicant submits that there is an advantage to a game having reels spinning prior to a player selecting reels for game play. First, the spinning reels and the consolidation of the spinning reels provide the player with visual entertainment and enhanced player excitement. A player excited to play a game increases the profitability of the game for a gaming establishment. Accordingly, the claimed invention provides the aforementioned advantages and is not matter of design choice.

In conclusion, Applicant respectfully submits that the 35 U.S.C. §103(a) rejection of claims 1-8, 10-12, 15-23, 25-27 30 and 31 have been overcome.

3. Claim Rejections – 35 U.S.C. § 103(a): Claims 9 and 24

The Examiner rejected claims 9 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Munoz in view of Singer in further view of the Price is Right game "Squeeze Play".

Applicant notes that claim 9 and 24 are dependent claims that depend from independent claims 1 and 16, respectively. In light of the arguments submitted in Section 2 of this response, Applicant respectfully submits that dependent claims 9 and 24 are not obvious in view of the

combination of Munoz, Singer, and the Price is Right game "Squeeze Play" because these references, alone or in combination, fail to teach or suggest all the claimed limitations. Moreover, these dependent claims further recite and define the claimed invention, and thus, are independently patentable. In conclusion, Applicant respectfully submits that the 35 U.S.C. §103(a) rejection of claims 9 and 24 have been overcome.

4. Claim Rejections – 35 U.S.C. § 103(a): Claims 13, 14, 28 and 29

The Examiner rejected claims 13, 14, 28 and 29 as being unpatentable over Munoz in view of Singer in further view of Fier (U.S. Patent No. 6,126,542).

Applicant notes that claims 13, 14, 28 and 29 are dependent claims that depend from independent claims 1 and 16, respectively. In light of the arguments submitted in Section 2 of this response, Applicant respectfully submits that dependent claims 13, 14, 28 and 29 are not obvious in view of the combination of Munoz, Singer, and Fier because these references, alone or in combination, fail to teach or suggest all the claimed limitations. Moreover, these dependent claims further recite and define the claimed invention, and thus, are independently patentable. In conclusion, Applicant respectfully submits that the 35 U.S.C. §103(a) rejection of claims 13, 14, 28 and 29 have been overcome.

CONCLUSION

Applicants have made an earnest and *bona fide* effort to clarify the issues before the Examiner and to place this case in condition for allowance. Reconsideration and allowance of all of claims 1, 3, 4, 6-16, and 18-31 is believed to be in order, and a timely Notice of Allowance to this effect is respectfully requested.

The Commissioner is hereby authorized to charge any additional required fees from Deposit Account No. 502811, Deposit Account Name BROWN RAYSMAN MILLSTEIN FELDER & STEINER LLP.

Should the Examiner have any questions concerning the foregoing, the Examiner is invited to telephone the undersigned attorney at (310) 712-8300. The undersigned attorney can normally be reached Monday through Friday from about 9:00 AM to 6:00 PM Pacific Time.

Respectfully submitted,

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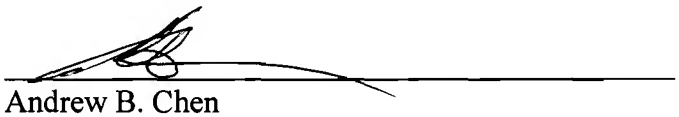
Date: August 8, 2006



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